

DOS Review
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ON-FILE NSC RELEASE INSTRUCTIONS APPLY

~~TOP SECRET SENSITIVE~~ NOV 26 AM 12 04
EYES ONLY

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FM KISSINGER
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HAKTO 30

~~TOP SECRET~~ /SENSITIVE /EYES ONLY

IN COURSE OUR LAST FEW DISCUSSIONS WITH GVN REPS
IN PARIS,

WE HAVE BECOME SERIOUSLY CONCERNED THAT
PRESIDENT THIEU HAS NOT RPT NOT RECEIVED AN ACCURATE
IMPRESSION OF THE SITUATION IN WHICH WE FIND OURSELVES
AND THE NATURE OF THE COURSE OF ACTION WE PROPOSE TO
TAKE. I AM THEREFORE SENDING YOU IN THIS MESSAGE TWO
ITEMS WHICH WE HAVE GIVEN TO GVN REPS PARIS AND HAVE
ASKED THEM TO TRANSPORT TO THIEU. FIRST
IS A MESSAGE WHICH PRESIDENT NIXON SENT WHEN DESCRIBING
THE CONGRESSIONAL SITUATION HE WILL FACE JANUARY 3 IF
WE DO NOT RPT NOT HAVE AN AGREEMENT BY THAT TIME THE
RECORD IS A DESCRIPTION OF OUR PREFERRED COURSE OF
ACTION TO BREAK OUR CURRENT NEGOTIATION IMPASSE. WE HAVE
GIVEN THE TEXT OF THE LATTER TO DUC. WE HAVE DESCRIBED
THE LATTER ORALLY IN THE CONTEXT OF THE OPTIONS WE SEE
OPEN TO US.

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YOU SHOULD INSIST OUR IMMEDIATE APPOINTMENT WITH THIEU AND DELIVER TO HIM PERSONALLY THE TWO TEXTS WHICH FOLLOW. YOU SHOULD TELL HIM THAT IT IS IMPERATIVE FOR DUC TO COME TO WASHINGTON IMMEDIATELY, BECAUSE THE PRESIDENT WILL GIVE ME MY FINAL INSTRUCTIONS ON DECEMBER 1 RPT 1 AND I WILL LEAVE FOR PARIS DECEMBER 3 RPT 3. THIEU MUST BE PREPARED TO REACH A DECISION ON THE SUBSTANCE OF OUR NEGOTIATIONS PRIOR TO THAT TIME AND MUST THEREFORE HAVE AT LEAST ONE TURN AROUND OF COMMUNICATIONS WITH THIEU BEFORE I DEPART. YOU SHOULD MAKE ABSOLUTELY CLEAR TO THIEU THAT YOU ARE MERELY DELIVERING THESE TEXTS TO HIM IN SAIGON IN ORDER TO BE ABSOLUTELY CERTAIN THAT THEY HAVE BEEN ACCURATELY RECEIVED. YOU WILL NOT RPT NOT BE AUTHORIZED TO NEGOTIATE OR EVEN DISCUSS THEIR SUBSTANCE WITH HIM. THAT CAN ONLY BE DONE BETWEEN DUC AND PRESIDENT NIXON. YOU SHOULD HOWEVER URGE THIEU TO INSURE THAT DUC PROCEEDS TO WASHINGTON AS SOON AS POSSIBLE. IF THERE ARE DELAYS IN THIS MEETING THE PRESIDENT WILL PROCEED WITHOUT THIEU.

THIEU MUST BE MADE TO UNDERSTAND THAT HE IS ACTIVE IN THE CONTEXT OF AN INEXORABLE DEADLINE ASSOCIATED WITH THE BEGINNING OF THE NEW CONGRESS ON JANUARY 3. TO AVOID THE CERTAIN DISASTER POSED BY THE INEVITABLE ACTION OF THAT CONGRESS, AGREEMENT MUST BE REACHED WELL IN ADVANCE OF THE DATE THE CONGRESS CONVENES SO THAT THE ADMINISTRATION CAN PREPARE ITS PROGRAM OF ACTION IN THAT CONGRESS FROM THE PREMISE OF A VIETNAM AGREEMENT.

THE TEXT OF THE PRESIDENT'S MESSAGE TO ME FOLLOWS:

TO HENRY KISSINGER
FROM THE PRESIDENT

I HAVE CHECKED TODAY AS TO THE ATTITUDE OF THE LEADING DEMOCRATS AND REPUBLICANS WHO SUPPORT US IN THE SENATE ON VIETNAM. IN PREPARING THEM FOR THE CONSULTATION WHICH MUST TAKE PLACE ONCE AGREEMENTS IS REACHED WE HAVE INFORMED THEM OF THE KEY ELEMENTS OF THE OCTOBER 8 AGREEMENT --THE RETURN OF OUR POWS, A CEASEFIRE, AND THE FORMULA UNDER THIEU REMAINS IN POWER AND ALL SOUTH VIETNAMESE HAVE AN OPPORTUNITY TO PARTICIPATE IN A FREE ELECTION TO DETERMINE WHAT GOVERNMENT THEY WANT FOR THE FUTURE. THE RESULT OF THIS CHECK INDICATES THAT THEY WERE NOT ONLY UNANIMOUS BUT VEHEMENT IN STATING THEIR CONCLUSIONS THAT IF SAIGON IS THE ONLY ROADBLOCK FOR REACHING AGREEMENT ON THIS BASIS THEY WILL PERSONALLY LEAD THE FIGHT WHEN THE NEW CONGRESS RECONVENES ON JANUARY 3 TO CUT OFF ALL MILITARY AND ECONOMIC ASSISTANCE TO SAIGON. MY EVALUATION IS THAT THE DATE OF THE CUT OFF WOULD BE FEBRUARY 1. THEY FURTHER BELIEVE THAT UNDER SUCH CIRCUMSTANCES WE HAVE NO CHOICE BUT TO GO IT ALONE AND TO MAKE A SEPARATE DEAL WITH NORTH VIETNAM FOR THE RETURN OF OUR POWS AND FOR OUR WITHDRAWAL.

THESE ARE MEN WHO HAVE LOYALLY SUPPORTED US ON NOVEMBER 3, CAMBODIA, LAOS AND MAY 8. THEY HAVE GREAT AFFECTION FOR THE SOUTH VIETNAMESE PEOPLE AND GREAT RESPECT FOR PRESIDENT THIEU PERSONALLY, BUT THEY POINT OUT THAT THE VOTES IN THE SENATE THIS PAST YEAR FOR APPROPRIATIONS FOR SUPPORT OF THE EFFORT IN VIETNAM HAVE BEEN WON ONLY BY GREAT EFFORT AND BY VERY SMALL MARGINS. THEY ALSO POINT OUT THAT THIS TIME THE HOUSE CANNOT SAVE APPROPRIATIONS BECAUSE THE SENATE WOULD BLOCK ANY HOUSE MOVE TO RESTORE FUNDS WHICH, INCIDENTALLY, IN VIEW OF THE MAKEUP OF THE NEW HOUSE, IS HIGHLY UNLIKELY, BY SIMPLY LETTING THE APPROPRIATIONS BILL DIE IN CONFERENCE.

THIS MESSAGE, UNLESS YOU HAVE STRONG FEELINGS OTHERWISE, SHOULD BE IMMEDIATELY PASSED ON THROUGH THE SOUTH VIETNAMESE NEGOTIATORS TO THIEU. TELL HIM THE FAT IS IN THE FIRE. IT IS TIME TO FISH OR CUT BAIT. WE DO NOT WANT TO GO IT ALONE. I PERSONALLY WANT TO STAND BY THIEU AND THE SOUTH VIETNAMESE GOVERNMENT BUT AS I HAVE TOLD HIM IN THREE SEPARATE MESSAGES, WHAT REALLY COUNTS IS NOT THE AGREEMENT BUT MY DETERMINATION TO TAKE MASSIVE ACTION AGAINST NORTH VIETNAM IN THE EVENT THEY BREAK THE AGREEMENT. THE NORTH VIETNAMESE TROOPS IN THE SOUTH MEAN ABSOLUTELY NOTHING IN THAT EVENTUALITY. IF THEY HAD NO FORCES THERE AT ALL AND I REFUSED TO ORDER AIR RETALIATION ON THE NORTH WHEN INFILTRATION STARTED TO BEGIN, THE WAR WOULD BE RESUMED AND THE OUTCOME WOULD BE VERY MUCH IN DOUBT.

YOU MUST TELL THIEU THAT I FEEL WE HAVE NOW REACHED THE CROSSROADS . WHETHER HE TRUSTS ME AND SIGNS WHAT I HAVE DETERMINED IS THE BEST AGREEMENT WE CAN GET OR WE HAVE TO GO IT ALONE AND END OUR OWN INVOLVEMENT IN THE WAR ON THE BEST TERMS WE CAN GET. I DO NOT GIVE HIM THIS VERY TOUGH OPTION BY PERSONAL DESIRE, BUT BECAUSE OF THE POLITICAL REALITY IN THE UNITED STATES IT IS NOT POSSIBLE FOR ME, EVEN WITH THE MASSIVE MANDATE I PERSONALLY RECEIVED IN THE ELECTION, TO GET THE SUPPORT FROM A HOSTILE CONGRESS TO CONTINUE THE WAR WHEN THE NORTH VIETNAMESE ON OCTOBER 8 OFFERED AN AGREEMENT WHICH WAS FAR BETTER THAN BOTH THE HOUSE AND THE SENATE BY RESOLUTION AND DIRECTIVE TO THE PRESIDENT DURING THIS LAST SESSION INDICATED THEY THOUGHT WE OUGHT TO ACCEPT.

TELL THIEU THAT I CANNOT KEEP THE LID ON HIS STRONG SUPPORTERS IN THE HOUSE AND SENATE MUCH LONGER. THEY ARE TERRIBLY DISTURBED BY WHAT THEY READ AND HEAR OUT OF SAIGON. IT IS TIME FOR US TO DECIDE TO GO FORWARD TOGETHER OR TO GO OUR SEPARATE WAYS. IF WE GO SEPARATE WAYS, ALL THAT WE FOUGHT FOR FOR SO MANY YEARS, WILL BE LOST. IF, ON THE OTHER HAND, HE WILL JOIN US IN GOING FORWARD TOGETHER ON THE COURSE I HAVE LAID OUT WE CAN OVER THE LONG PULL, WIN A VERY SIGNIFICANT VICTORY.

THE THIRD OPTION OF OUR TRYING TO CONTINUE TO GO FORWARD TOGETHER ON THE BASIS OF CONTINUING THE WAR IS SIMPLY NOT OPEN. THE DOOR HAS BEEN SLAMMED SHUT HARD AND FAST BY THE LONG TIME SUPPORTERS OF THE HARD LINE IN VIETNAM IN THE HOUSE AND SENATE WHO CONTROL THE PURSE STRINGS.

END OF MESSAGE

PAGE THREE

THE SUBSTANCE OF OUR PREFERRED COURSE OF ACTION FOLLOWS:

(A) ON THE POLITICAL ISSUE, WE WOULD GET THE PROPER VIETNAMESE LANGUAGE USAGE FOR "ADMINISTRATIVE STRUCTURE" "CO CAN LANH CHANH". WE WOULD LEAVE IN THE PHRASE "THREE EQUAL SEGMENTS"; BUT WOULD ADD "TO BE APPOINTED EQUALLY BY THE TWO PARTIES".

(B) ON THE WITHDRAWAL ISSUE, WE WOULD GET DEMOBILIZATION DEFINED "ON A ONE FOR ONE BASIS" AND STIPULATE THAT THE TWO PARTIES "WILL DO THEIR UTMOST" TO COMPLETE THE CONTEMPLATED DEMOBILIZATION WITHIN THREE MONTHS, THEREBY LINKING THIS DEMOBILIZATION WITH OTHER "RECONCILIATION" STEPS SUCH AS THE RELEASE OF CIVILIAN PRISONERS DETAINED BY THE TWO PARTIES. (ARTICLE 8 (C)) WHICH PROVIDES FOR THE SEPARATE TREATMENT OF CIVILIAN PRISONERS WILL STAND AS AGREED IN OCTOBER 22 TEXT)

(C) IN ADDITION TO THESE TWO FIXES OF THE ACTUAL TEXT OF THE DOCUMENT. THERE WOULD BE UNDERSTANDINGS WHICH WILL BE IN WRITTE FORM, BUT WILL NOT APPEAR IN THE PUBLISHED TEXT IN ACCORDANCE WITH WHICH A GIVEN NUMBER OF NVA TROOPS WILL WITHDRAW FROM SVN IN RETURN FOR THE GVN RELEASE OF A GIVEN NUMBER OF CIVILIAN PRISONERS. THE EXACT NUMBERS WILL BE NEGOTIATED BETWEEN THE GVN AND THE PRG, BUT WILL BE INTENDED TO ESTABLISH THE BEGINNINGS OF A BARGAINING PROCESS THROUGH WHICH THIEU CAN USE THE GRADUATED RELEASE OF CIVILIAN PRISONERS TO ACHIEVE THE GRADUATED WITHDRAWAL OF NVA TROOPS.

THIEU SHOULD ALSO BE INFORMED THAT WE BELIEVE THE NET RESULT OF ONE RENEWED SERIES OF NEGOTIATIONS WILL HAVE BEEN TO OBTAIN IMPROVEMENTS IN THE DRAFT TEXT IN ALL FIVE AREAS WHERE THIEU CONSIDERED IT DEFICIENT:

- A. A. THE NVA WITHDRAWALS
- B. THE NATIONAL COUNCIL OF NATIONAL CONSILIATION AND CONCORD
- C. THE DMZ
- D. CAMBODIA AND LAOS
- E. SUPPLY OF MILITARY EQUIPMENT

WE UNDERSTAND NHA WILL CARRY A LETTER TO PARIS WHICH DUC WILL THEN DELIVER TO PRESIDENT NIXON. IT IS IMPERATIVE THAT THIS LETTER BE RELEVANT TO REALITY. THEREFORE, IN YOUR TONE AND YOUR BEARING YOU MUST EMPHASIZE THAT WE ARE AT THE END OF THE LINE AND THAT THIS IS ABSOLUTELY THE LAST CHANCE THIEU HAS TO COME TO GRIPS WITH A SATISFACTORY SOLUTION TO THE CURRENT IMPASSE. AFTER DECEMBER 1 FAILING GVN AGREEMENT WE WILL PROCEED UNILATERALLY. YOU ARE NOT AUTHORIZED TO NEGOTIATE IN ANY WAY WITH THIEU ON THE CONTENTS OF THIS MESSAGE OR ON THE CURRENT STATE OF THE DRAFT AGREEMENT. ANY QUESTIONS OF THIS KIND ARE TO BE REFERRED TO THE DUC MEETING WITH PRESIDENT NIXON. YOU ARE TO HENCEFORTH DECLINE FURTHER DISCUSSIONS WITH THIEU UNTIL THE DUC MEETING WITH THE PRESIDENT HAS OCCURRED.

WARM REGARDS

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